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HUMAN RESOURCES MANAGEMENT: RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

Report submitted by the Secretary-General on behalf of and with the approval of the members of the Administrative Committee on Coordination

I. INTRODUCTION

1. At its fiftieth session, the General Assembly adopted decision 50/484 of 7 June 1996, in which it took note of the note submitted by the Secretary-General on behalf of the members of the Administrative Committee on Coordination on the above subject (A/C.5/50/3) and of the statement made by the representative of the United Nations Security Coordinator on 14 December 1995. The Assembly requested the Secretary-General to submit a report on the question to it at its fifty-first session.

2. The present report, containing updated information about respect for the privileges and immunities of officials as well as their security and safety, is submitted in response to General Assembly decision 50/484. It is presented on behalf of and with the approval of the members of the Administrative Committee on Coordination and is based upon the information provided by United Nations programmes, funds, offices and missions as well as the specialized agencies and related organizations. A list of the organs and organizations that were requested to provide information is contained in annex IV to the present report. The report covers the period from 1 July 1995 to 30 June 1996.

II. SECURITY AND SAFETY OF OFFICIALS

3. In fulfilment of the responsibilities assigned by Member States to the organizations of the United Nations system, staff members are increasingly

called upon to take up duties that involve grave personal risks on a daily basis. During the reporting period, 10 civilian staff members of different United Nations organizations and agencies lost their lives in the performance of their duties (see annex II). Throughout the reporting period, staff members in the performance of their functions have been subjected to attack, injury, abuse or harassment. Details may be found in the information provided by various organizations included in annex III. In Liberia in April and in the Central African Republic in May 1996, it became necessary to relocate dependants and/or non-essential staff to safe havens as a result of a serious deterioration in the security situation.

4. In an effort to make further improvements in staff security and security management in the field, the United Nations Security Coordinator convened an ad hoc inter-agency meeting on security in Geneva on 8 and 9 May 1996. The meeting, which was subsequently followed by a working group to address technical security issues, was devoted to the review of security matters that are of concern to the organizations of the United Nations system. Issues considered included, inter alia, the need for security training for all staff, hostage crisis management and strengthening of inter-agency cooperation in the area of security. The meeting concluded that the issue of the costs of providing security for staff must be addressed with renewed urgency and stressed the need for sufficient resources to be allocated to implement the required security measures.

5. It must be emphasized once again that the primary responsibility for the security and protection of staff members, their spouse and dependants and property and of the organizations' property rests with the host Government. This responsibility flows from every Government's normal and inherent function of maintaining order and protecting persons and property within its jurisdiction. In the case of international organizations and their officials and property, the Government is considered to have a special responsibility under the Charter of the United Nations or its agreements with individual organizations. Under Article 105 of its Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. The other organizations in the United Nations family and their staff enjoy similar privileges and immunities under their respective constitutional instruments. Officials of the organizations are entitled under the same provisions to enjoy such privileges and immunities as are necessary for the independent exercise of their functions. Further, within the territory of any country that has acceded to the Conventions on the Privileges and Immunities of the United Nations (see resolution 22 A (I)) and of the Specialized Agencies (see resolution 179 (II)) staff members of the organizations "shall be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys" (resolution 22 A (I), art. V, sect. 18 (f); see also resolution 179 (II), art. VI, sect. 19 (e)). The Conventions further stipulate that the premises of the organizations are "inviolable" and that their property, wherever located and by whomsoever held, shall be immune from "any ... form of interference" (resolution 22 A (I), art. II, sect. 3, and resolution 179 (II), art. III, sect. 5).

III. ARREST AND DETENTION OF OFFICIALS

6. The arrest or detention of staff members continued to be a major issue through the reporting period. This was the case in particular for Rwanda, where numerous locally recruited United Nations staff continue to be detained. Following the departure of the United Nations Assistance Mission to Rwanda (UNAMIR) in March 1996, the Resident Coordinator and representatives of United Nations agencies in Rwanda have continued to take a number of initiatives at the local level to pursue this matter with the Rwandan authorities. A Rwandan lawyer has been hired on an inter-agency basis to assist with these cases.

7. Detailed information regarding the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as provided by the Agency, is included in annex III.

IV. TAXATION OF OFFICIALS

8. The issue of taxation of officials is included in the submissions provided by the World Health Organization (WHO) and the United Nations Peace-keeping Force in Cyprus (UNFICYP) (see annex III).

V. RESTRICTIONS ON OFFICIAL AND PRIVATE TRAVEL OF OFFICIALS OF THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

9. Restrictions imposed by the United States authorities on the private travel of staff members and their dependants who are nationals of particular countries remained in force. In this regard, the Secretary-General maintains his well-known position of principle, which he has expressed on several occasions in the past, that such restrictions applied to United Nations staff solely on the basis of nationality are discriminatory.

10. Information concerning travel restrictions on UNRWA personnel is provided in annex III to the present report.

VI. OBSERVATIONS

11. The Secretary-General firmly believes that the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies constitute a critical element in the protection of staff members and their dependants from arrest and detention. Therefore, the Secretary-General invites States that have not become a party to the Conventions to give consideration to ratifying or acceding to them. The Secretary-General also invites Member States that have not done so to become a party to the Convention on the Safety of United Nations and Associated Personnel (resolution 49/59, annex). In that connection, the Secretary-General wishes to recall the statement adopted by the Administrative Committee on Coordination at its meeting in November 1995, in which it, inter alia, called upon all Governments to take all possible measures to ensure the safety of United Nations staff; welcomed the commitment made by

the Security Council on 26 September 1995 at its fiftieth anniversary session to continue to attach the utmost importance to the issue of staff security and also welcomed the adoption by the General Assembly at its forty-ninth session of the Convention on the Safety of United Nations and Associated Personnel. The Committee regretted that it had not, as yet, proved possible to take into account the observations made by the Committee in a previous statement regarding the limited application of the Convention. 1/

Notes

1/ ACC/1995/23, para. 37.

ANNEX I

Consolidated list of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection*

Name	Agency	Place and date of incident
Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Issedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Alec Collett	"	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Kassu Asgedon	WFP	Detained in Ethiopia since 4 September 1991.
Hassan Mohammad Hammad	UNRWA	Detained in the West Bank since 15 February 1993.
Jaber Ali Wahdan	"	Detained in the West Bank since 3 May 1993.
Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.

* The consolidated list contains in chronological order the names of staff members who remained in detention or missing as at 30 June 1996. The list, however, is not intended to provide information on all cases of staff members who have been arrested or detained or have been missing in the past or on the cases where staff members have lost their lives in the performance of official duties.

Name	Agency	Place and date of incident
Sara J'areh	UNRWA	Detained in the West Bank since 24 September 1993.
Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Alfred Rusigariye	UNAMIR	Detained in Kigali since 22 September 1994.
Elizier Cyimanizanye	UNICEF	Detained in Kigali since 28 October 1994.
Deo Idanumbira	UNDP	Missing in Rwanda since 1 November 1994.
Benoit Ndejeje	"	Detained in Kigali since 11 November 1994.
Jean-Marc Ulimubenshi	UNHCR	Detained in Butare, Rwanda, since 15 November 1994.
Athanase Habimana	"	Detained in Butare, Rwanda, since December 1994.
Azzam Husni Attaleh	UNRWA	Detained in the West Bank since 12 December 1994.
Jean Bosco Rwagaju	UNHCR	Detained in Gitarama, Rwanda, since January 1995.
Jean Chrisostome Muvunyi	"	Detained in Gikongoro, Rwanda, since 9 January 1995.
Charles Ngendahimana	"	Detained in Butare, Rwanda, since 10 January 1995.
Alfred Nsinga	UNAMIR	Detained in Kigali since 8 February 1995.
Mathieu Nsengiyaremye	UNHCR	Detained in Cyangugu, Rwanda, since 12 February 1995.
Luc Birushya	UNDP	Detained in Kigali since 13 March 1995.
Athanase Ngendahimana	"	Detained in Kigali since 25 March 1995.
Joseph Nsabimana	UNHCR	Detained in Nyanza, Rwanda, since 25 March 1995.

Name	Agency	Place and date of incident
François Semanzi	"	Detained in Butare, Rwanda, since April 1995.
Aloys Byugura	UNICEF	Detained in Kigali since 4 April 1995.
Prosper Gahamanyi	UNDP	Detained in Kigali since 12 April 1995.
Clotilde Ndagijimana	UNICEF	Detained in Butare, Rwanda, since 14 April 1995.
Augustin Rukeribuga	UNHCR	Detained in Butare, Rwanda, since 23 April 1995.
Dismas Gahamanyi	WFP	Detained in Kigali since 2 June 1995.
Theodore Niyitegeka	"	Detained in Kigali since 2 June 1995.
Fulgence Rukindo	Human Rights Field Office in Rwanda	Detained in Kibuye, Rwanda, since 17 June 1995.
Boniface Rutagungira	UNICEF	Detained in Kigali since 20 June 1995.
Abbas Sempija	UNHCR	Detained in Kigali since 7 August 1995.
Manasse Mugabo	UNAMIR	Missing in Rwanda since 19 August 1995.
Joseph Munyambonera	UNHCR	Detained in Kigali since 19 October 1995.
Khaled Umar El Hamameh	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 1 November 1995.
Al Hakim Hasan Mahdi	"	Detained in the West Bank by the Palestinian Authority since 25 November 1995.
Andre Uwizeyimana	UNHCR	Detained in Butare, Rwanda, since 29 December 1995.
Mahmoud Saqer El Zatma	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 3 February 1996.
Boaz Imanivuganamwisi	UNAMIR	Detained in Kigali since 19 February 1996.

Name	Agency	Place and date of incident
Mohammad El Ajrami	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 25 February 1996.
Raed Ali Shehadeh	"	Detained in the West Bank by the Palestinian Authority since 27 February 1996.
Abdel Fatah Hasan Dukhan	"	Detained in the Gaza Strip by the Palestinian Authority since 3 March 1996.
Ayman Ishaq Totah	"	Detained in the West Bank by the Palestinian Authority since 3 March 1996.
Khader Mahmoud Abbas	"	Detained in the Gaza Strip by the Palestinian Authority since 5 March 1996.
Omar Afandi	"	Detained in the West Bank by the Palestinian Authority since 5 March 1996.
Tewfiq Mahmoud Anis Mahmoud	"	Detained in the West Bank by the Palestinian Authority since 5 March 1996.
Jamal Mohammad Ali Ghaban	"	Detained in the West Bank by the Palestinian Authority since 6 March 1996.
Ahmad Mohammad Hamdan	"	Detained in the Gaza Strip by the Palestinian Authority since 6 March 1996.
Rasim Mushrif Kabi	"	Detained in the West Bank by the Palestinian Authority since 7 March 1996.
Abdallah Mohammad Abu Mishref	"	Detained in the West Bank by the Palestinian Authority since 9 March 1996.
Zaher Ismail Ahmad	"	Detained in the Gaza Strip by the Palestinian Authority since 12 March 1996.

Name	Agency	Place and date of incident
Khalil El Derbashi	"	Detained in the Gaza Strip by the Palestinian Authority since 12 March 1996.
Ahmad Ramadan Mteir	"	Detained in the West Bank by the Palestinian Authority since 12 March 1996.
Tareq Soboh Abu El Hussain	"	Detained in the Gaza Strip by the Palestinian Authority since 16 March 1996.
Ali Hadi Ali Rahman Salama	"	Detained in the Gaza Strip by the Palestinian Authority since 16 March 1996.
Bernard Nshinyumukiza	UNAMIR	Detained in Kigali since 19 March 1996.
Raed Subhi El Zaqzouq	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 29 March 1996.
Jean Baptiste Mashimango	UNOPS	Detained in Rwanda since 31 March 1996.
David Bukeyeneza	UNICEF	Detained in Kigali since 4 April 1996.
Hasan Mahmoud Sammour	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 10 April 1996.
Mohammad El Kahlout	"	Detained in the Gaza Strip by the Palestinian Authority since 14 April 1996.
Mahmoud Abu Jazar	"	Detained in the Gaza Strip by the Palestinian Authority since 16 April 1996.
Emmanuel Twagirayezu	UNICEF	Detained in Kigali since 28 April 1996.
Naser Ismail El'Attal	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 22 May 1996.
Nimer Abed Abu Jayyab	"	Detained in the Gaza Strip by the Palestinian Authority since 8 June 1996.

ANNEX II

List of staff members who have lost their lives since 1 July 1995

Name	Nationality	Agency	Place/date of incident	Cause of death
Francisco Lima	Angola	UNICEF	Luanda, 25 July 1995	Gunshot wounds
John Adeyemi	Nigeria	"	Lagos, 10 November 1995	Gunshot wounds
William Jefferson	United States of America	UNFPA	Tuzla, Bosnia and Herzegovina, 19 November 1995	Gunshot wounds
Ahmed Abdilkadir Tawane	Somalia	UNICEF	Mogadishu, 22 November 1995	Gunshot wounds
Andrzej Kaczor	Poland	Department of Humanitarian Affairs/United Nations Guards Contingent in Iraq	Shaqlawa, Iraq, 7 December 1995	Explosion
Emmanuel Rabaya	Philippines	"	Shaqlawa, Iraq, 7 December 1995	Explosion
Bikash Jungi Shah	Nepal	"	Shaqlawa, Iraq, 7 December 1995	Explosion
George Gikuni	Kenya	UNEP/United Nations Office at Nairobi	Nairobi, 16 December 1995	Gunshot wounds
Mohamed Siyat Rage	Somalia	UNICEF	Kismayo, Somalia, 5 January 1996	Gunshot wounds
Peter Onginde	Kenya	UNHCR	Nairobi, 24 May 1996	Gunshot wounds

ANNEX III

Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs for inclusion in the present report

A. United Nations operation in Cyprus

1. Generally, the privileges and immunities of civilian officials of the United Nations, specialized agencies and related offices in Cyprus have been respected and the safety and security of their staff ensured. The following incidents, however, should be reported.

2. On 4 September 1995, two locally recruited General Service staff members who were Greek Cypriots were detained by Turkish Cypriot police at Pano Zodhia checkpoint while returning from completion of an authorized journey to Roca Camp. Upon completion of their task at Roca Camp, the staff members returned to Lefke checkpoint, accompanied by the Sector One Medical Officer who was travelling in a separate vehicle. Upon arrival at the Zodhia gate, the two Greek Cypriots were detained by the Turkish Cypriot police. They were interrogated and detained overnight in Morphou. No charges were made against the staff members who were released in good health to the UNFICYP Australian Civilian Police on 5 September 1995.

3. UNDP Nicosia reported an incident concerning respect for article V, section 18 (b), of the Convention on Privileges and Immunities of the United Nations relating to the exemption from national taxation on the salaries and emoluments paid to staff members by the United Nations. The incident involved a decision by the Supreme Court of Cyprus to deny exemption from taxation on the salaries and emoluments paid by the United Nations to a UNDP official of Cypriot nationality. The decision was based upon a misinterpretation of paragraph 4 (a) of article IX of the Agreement between the Government of Cyprus and UNDP. The Legal Counsel of the United Nations is currently pursuing the matter with the Government of Cyprus in an attempt to resolve the issue.

B. United Nations Interim Force in Lebanon

4. During the reporting period UNIFIL has been marked by two noteworthy events: signing of a status-of-forces agreement with the Government of Lebanon on 15 December 1995 and the escalation of tension in South Lebanon, which culminated into a major confrontation between the Israel Defence Forces and Hezbollah between 11 and 27 April 1996.

5. Signing the status-of-forces agreement granted UNIFIL and its officials de jure recognition of privileges and immunities it had been enjoying on a de facto basis over the years. Even though the document did not change the practice of the mission, it brought about the legal framework for the relationship between the host Government and the mission.

6. The Legal Adviser was advised on 25 July 1995 that a local staff member had been sentenced by a local court to a fine and two months' imprisonment for a traffic accident, which occurred 26 August 1992 and which the United Nations insurance agent had settled on behalf of UNIFIL. The judgement was obtained in Tyre district court ex parte. At the time of the accident the staff member was driving a United Nations vehicle on duty, thus performing an act in the course of his official duty within the meaning of immunity from legal process under the Convention on Privileges and Immunities of the United Nations of 1946.

7. The case has been brought to the attention of the Ministry of Foreign Affairs with the request that the judgement be revoked. They first maintained that local staff members did not enjoy the immunity referred to above. However, the UNIFIL Legal Adviser has continued to pursue the case within the Ministry, explaining General Assembly resolution 76 (I) of 7 December 1946, which extends the functional immunity to all members of the United Nations, with the exception of those paid hourly rates. The status-of-forces agreement stipulates the same.

8. A local staff member was taken into custody by the local security force at Beirut airport on 4 June 1996. The staff member was on family visit travel when arrested. He was imprisoned under "administrative detention" without charge, trial or conviction. No reason for his arrest and detention was given. UNIFIL used its channels to get information on the staff member's condition and requested access to him. The Legal Adviser also requested the assistance of the Ministry of Foreign Affairs in obtaining the staff member's release, asking to be provided with the reasons for the arrest and for UNIFIL to have access to the staff member. The staff member was released on 10 June 1996 and the Lebanese Army informed UNIFIL that all allegations against him had been withdrawn.

9. UNIFIL has not encountered problems regarding the respect of United Nations privileges and immunities in other areas, such as taxation or restrictions on official or private travel of United Nations officials. The status-of-forces agreement officially provides freedom of movement for the members of the Force.

10. Nevertheless, the period covered has been marked by complex developments in South Lebanon, most importantly the military confrontation from 11 to 26 April 1996. The situation has been described in detail in the report of the Secretary-General. During the confrontation, United Nations positions and vehicles came under direct fire. UNIFIL protested all close firing. The security and safety of United Nations officials, especially those who were directly involved in the operations of rendering humanitarian assistance and extending the protection to the local population in the area, was seriously affected, as the staff had to operate under tense and dangerous conditions.

11. The press information officers, as well as many local staff members in the area of operation were exposed to actual or potential emergency situations and the need to assist and rehabilitate them in dealing with the after-effects of traumatic and stressful security-related experiences, in particular the incident in Qana village on 18 April, should not be overlooked.

12. Finally, UNIFIL continued to make every effort to ensure security and protection of its staff:

(a) Security in UNIFIL headquarters, Naqoura. Four Katyusha rockets landed in the proximity of the Naqoura Camp and one landed inside the headquarters. As a result of the Katyusha threat to UNIFIL headquarters, the policy regarding going to the shelters was revised and updated. Personal security in the camp was addressed by revising the shelter plan, increasing the awareness of the staff and conducting three shelter exercises;

(b) Security in the area of operation. In view of the increased military activity and threat in the area of operation, the authority of the civilian administration to authorize civilian staff to travel to the area of operation was handed over to the Senior Operations Officer who controlled and authorized the movement of all military and civilian convoys during the confrontation;

(c) Security in Nahariya. The UNIFIL evacuation plan for civilian staff and their dependants was revised and practical steps taken to ensure full preparation for activation of the plan should the need arise. UNIFIL increased security alertness of the staff. In addition, the staff were briefed daily on the operational situation, including updates on safety and requirement to report to work.

C. United Nations Truce Supervision Organization

13. UNTSO has two outstanding issues with the Israeli authorities to report. Beginning on 26 February 1996, the Israeli authorities have randomly denied transit of UNTSO Palestinian local staff from their place of residence in the West Bank to their place of work at Government House. Although the reason given is security, the Israeli authorities have persistently avoided all attempts by UNTSO to come to an understanding on requirements. This, together with the randomness of admitting United Nations buses bringing staff to work one day and not admitting them the next, amounts to an abuse under Article 105 of the Charter.

14. UNTSO is obliged to send its diplomatic pouch to United Nations Headquarters, New York, out of Amman Airport in Jordan because the Israeli authorities will not permit the pouch to be delivered direct to the aircrew as is provided by the Vienna Convention. They insist it should be delivered to Israeli security 24 hours beforehand.

D. Office of the United Nations High Commissioner for Refugees

15. Over the past year, all the resources of UNHCR have been stretched to the limit in dealing with the continuing crises involving refugees and displaced persons. The sudden upsurges of violence in the Central African Republic and Liberia have added to the problems UNHCR is expected to deal with and resolve on a continuing basis. This places enormous physical stresses and strains on the staff, in addition to having in many cases to deal with the realities of working in areas of ongoing military operations.

16. The disregard shown by many of the combatants for the privileges and immunities of officials of the United Nations system has seen little if any

improvement in the past year and in this context there is a feeling of helplessness at the report of the killing of the three International Committee of the Red Cross (ICRC) delegates in Burundi.

17. As indicated in 1995, the indications of lack of respect for the privileges and immunities of officials of the United Nations, the specialized agencies and related organizations continue to arise in abundance. Unless and until there is an across-the-board acceptance by local authorities in the areas where United Nations operations of whatever kind are being conducted that they will provide adequate protection to staff and organization property, the current climate of stress and uncertainty of life is going to continue.

E. United Nations Children's Fund

18. The Government of Rwanda continues to hold without trial five UNICEF national staff members. Details are included in annex I above.

19. Also in Rwanda, five armed robberies were committed against UNICEF staff members in 1995 by men wearing uniforms of the Rwanda Patriotic Army.

20. During the past year there have been four armed robberies committed against staff in Angola by men who were either police or wore police uniform.

21. In Burundi and eastern Zaire, difficulties have been experienced with the authorities not respecting the United Nations certificate as a valid identity document for a United Nations consultant.

22. In Lima, two staff and several family members whose status as United Nations employees was initially not accepted by the police were placed at great risk in an anti-terrorist operation.

23. In summary, the main problem UNICEF experiences tends to be the result of individuals in authority, often armed, who ignore immunities in order to steal. It is not generally a case of the Government itself refusing to accept its obligations. UNICEF is trying to take this into account in planning security and in training staff.

F. United Nations Office at Nairobi

24. In the period under review, there have been no arrests or detention of officials of the United Nations or specialized agencies by the Government of Kenya. However, many United Nations officials have been victims of the rising tide of criminal violence and indeed two national staff members were murdered while on duty. Both were drivers; one was murdered in the course of a car hijacking in December 1995 and the other was murdered in the course of a robbery in May 1996. Armed car hijackings, whilst lately in decline, pose the greatest risk to United Nations officials. Over the last four years, three officials have been killed and two wounded. The crime statistics for the period under review are:

(a)	Armed vehicle hijacking	18 (including 3 attempts)
(b)	House robbery	24 (including 6 attempts)
(c)	Street crime	18 cases.

25. Over the past two years, the United Nations Office at Nairobi has impressed on the Government of Kenya the need to improve security for United Nations officials. In the last six months, there have been improvements in the situation. In particular, there has recently been a strengthening of measures by the Kenyan police against organized crime, in particular vehicle hijacking.

G. United Nations Relief and Works Agency for for Palestine Refugees in the Near East

Arrest and detention of UNRWA staff

26. There was a considerable rise in the number of staff members arrested and detained by the Palestinian Authority during the reporting period. A total of 93 staff members were arrested and detained in the Gaza Strip, compared with 58 last year. While the majority were detained for only short periods and 77 were released without charge or trial, by the end of the reporting period 16 staff members remained in detention. In the West Bank a total of 13 staff members were detained by the Palestinian Authority and 3 by the Israeli authorities. Of these, nine remained detained by the Palestinian Authority and two by the Israeli authorities at the end of the period. No staff members were detained in the Syrian Arab Republic and only one in Jordan, a decrease in both fields, compared with the preceding reporting period. One staff member was detained in Lebanon. By the end of the period no staff remained in detention in Jordan, Lebanon or the Syrian Arab Republic. A total of 111 staff members were detained throughout the area of operation during the reporting period. Of those, 84 were released without charge or trial and 27 remained in detention as at 30 June 1996.

27. As in previous years, while UNRWA continued to make frequent approaches to the relevant authorities in all its areas of operation, it was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. In the absence of sufficient information, the Agency was unable to ascertain whether the staff members' official functions were involved, bearing in mind the rights and duties flowing from the Charter of the United Nations, the 1946 Convention on the Privileges and Immunities of the United Nations and the relevant staff regulations and rules of UNRWA.

28. In contrast to the difficulties referred to in last year's report, the Agency obtained access to all staff members from the West Bank detained during this and previous reporting periods by the Israeli authorities. The Agency also had access to all staff from the West Bank detained by the Palestinian Authority. In the Gaza Strip, however, the Agency experienced considerable difficulties in obtaining access to detained staff, and was able to visit only two staff detained by the Authority, though, as emphasized last year, it should be noted that most such detentions were for relatively short periods. Despite

continued approaches to the relevant Governments, the Agency remained unable to visit staff previously detained during prior reporting periods in Jordan, Lebanon and the Syrian Arab Republic.

Travel restrictions

29. The procedures instituted by the Israeli authorities to regulate entry to and exit from the West Bank and Gaza Strip described in last year's report became substantially more restrictive during the reporting period. Such procedures comprised the imposition of systems of exit permits and checkpoint controls, including searches, and the sealing of the West Bank and Gaza Strip for lengthy periods. As a result, movement of the Agency's staff and vehicles into and out of the West Bank and Gaza Strip was considerably impeded and frequently prevented. Following a spate of bombing incidents in Israel and the consequent complete sealing of the West Bank and Gaza Strip for three months, exit permits were generally cancelled and virtually no UNRWA area staff were able to exit those areas. During this time, approximately 270 UNRWA staff members living in the West Bank were prevented from attending to their duties at the Agency's West Bank Field Office and at UNRWA schools and health centres located in Jerusalem; staff members who were residents of East Jerusalem were prevented from entering the Gaza Strip. The Agency sought to establish with the Israeli authorities appropriate procedures to enable staff to resume their duties in Jerusalem; by the end of the reporting period this had not been satisfactorily achieved. Checkpoint controls established between different areas of the West Bank also impeded the effective movement of UNRWA staff and vehicles. These various restrictions had clear cost implications for the Agency's operations.

30. The particularly severe restrictions on movement out of the Gaza Strip and on entry to Gaza by residents of East Jerusalem required the Agency to use international staff as drivers in order to enable the Agency to operate effective transport facilities. At the Erez checkpoint, the Israeli authorities insisted on conducting comprehensive searches of UNRWA vehicles exiting the Gaza Strip, including on occasion those transporting senior Agency officials. Those searches included external and internal searches of vehicles, on occasion resulting in damage. The search procedures also resulted in time-consuming delays, sometimes of several hours, for Agency staff exiting the Gaza Strip. Throughout its negotiations with the Israeli authorities on that issue, the Agency placed special emphasis on the necessity of establishing effective procedures that would facilitate movement into and out of the Gaza Strip, especially in the context of the relocation of UNRWA headquarters there during July 1996. However, difficulties in this respect increased during the reporting period and, following the relocation, these restrictions constituted a serious impediment to the effective functioning of UNRWA headquarters.

31. Particularly as a result of the severe restrictions on movement described above, there continued to be lengthy delays in the clearance of local staff for official travel, including travel between the West Bank and Jordan via the Allenby Bridge. Further, the Israeli authorities refused to grant service visas to UNRWA headquarters staff members, including members of the Agency's international staff, who held residence in the West Bank and Gaza Strip and who were being transferred to the Agency's newly established headquarters in the

Gaza Strip and required them to enter on their private travel documents. As their entry and freedom of movement would have suffered restrictions and delays as a result, the Agency was obliged to redeploy most of those staff members to its other offices, where they could perform their duties free from these constraints.

Security and safety of UNRWA staff

32. The treatment and state of health of staff members in detention continued to be of concern to UNRWA, with staff after their release by both the Palestinian Authority and the Israeli authorities complaining of having been subjected to various forms of physical and psychological mistreatment. UNRWA provided medical assistance as required to detained staff members to whom the Agency obtained access and who were suffering from health problems.

33. With regard to the mistreatment of staff members in the West Bank and Gaza Strip by members of the Israeli security forces, instances of which had been reported in previous years, this was not an issue during the current reporting period.

H. United Nations Educational, Scientific and Cultural Organization

34. A UNESCO staff member of Netherlands nationality based in Jakarta was taken hostage in Irian Jaya province, Indonesia, on 8 January 1996 by separatist rebels of the Free Papua Movement (OPM). Another national of the Netherlands, four Britons, one German and a number of Indonesians were also taken. Both the Secretary-General of the United Nations and the Director-General of UNESCO strongly condemned the hostage-taking and issued appeals for the immediate release of all hostages. Through a series of protracted discussions over several months, the Indonesian authorities, with the valued assistance of the International Committee of the Red Cross (ICRC), attempted to secure the peaceful release of the hostages. The hostages were finally liberated through Indonesian military intervention on 15 May during which two of the hostages lost their lives at the hands of the rebels. UNESCO once again wishes to stress the United Nations system's concern for the safety and security of civilian personnel, which has been expressed forcefully by the Administrative Committee on Coordination (ACC) in a number of statements.

I. World Health Organization

35. During the period under review, WHO has not had any cases of significant failure to respect the privileges and immunities of officials. The following cases may illustrate the kind of problems WHO staff did, nevertheless, encounter regarding their privileges and immunities.

36. The immunity of a locally recruited staff member in a case of a traffic accident in the performance of official duties was questioned by the Moroccan authorities. The reason invoked was that the name of the staff member concerned

had not been included in the list of WHO officials communicated at regular intervals to the host country. The case is still pending.

37. Exemption from national taxes of salaries paid to locally recruited staff of the United Nations and its specialized agencies was questioned in January 1996 by the Indonesian authorities. This instance was the subject of a concerted reaction by the United Nations organizations and agencies, under the aegis of the Office of Legal Affairs of the Secretariat.

J. United Nations/Food and Agriculture Organization of the United Nations/World Food Programme

38. The following violations of privileges and immunities of WFP staff members have been reported to WFP headquarters:

Afghanistan

39. On 4 September 1995, Taliban forces invaded the city of Herat and it was necessary to evacuate a WFP international emergency officer for security reasons to Mashad, Islamic Republic of Iran, while the fighting continued.

40. In October 1995, a major Taliban offensive against Kabul was initiated and ground fighting was reported in the outskirts of the city with incoming rocket fire reaching Shar-e-Naw, where the WFP office and United Nations guesthouse are located. WFP staff were obliged to seek refuge in the bunker at the United Nations guesthouse.

41. On 20 March, two WFP vehicles were stopped by gunmen while travelling on the highway between Tolequan and Kunduz. The WFP emergency officer and driver, on assessment mission, were beaten and suffered slight injuries. The gunmen stole money and a number of items from the cars before leaving.

Angola

42. On 25 August 1995, a WFP-hired truck that had made a delivery for the non-governmental organization Caritas at Cacuso drove over a mine on the return journey to Malange. The driver's assistant and a Caritas worker were killed.

43. On 31 August 1995, in the same vicinity, another truck, also commercially hired and part of a WFP convoy returning empty from Malange to Luanda, detonated a mine. This time there were no casualties or injuries.

44. On 28 February 1996, in Likua, south-east Angola, a local WFP staff member who was working on an emergency distribution team, was fired upon by unknown persons while in his vehicle. The attack was never explained nor were the attackers identified.

45. In April 1996 a small WFP convoy travelling from Huambo to Vila Nova was attacked by a group of more than 20 armed men. During the attack shots were fired in the air and the trucks were looted as were personal possessions.

Bosnia and Herzegovina

46. On 5 May, a WFP national staff member was attacked by two armed masked men in Banja Luka; the WFP vehicle he was using was stolen.

Burundi

47. On 21 December 1995, in Ngozi, a grenade was thrown into the living room of the WFP residence causing extensive damage. No serious injuries were suffered because there had been various warning signals that had enabled the staff members to take necessary evasive action. The following day, five members of the Sans Échec group assembled outside the WFP warehouse in Ngozi refusing to leave until they had an audience with the WFP logistics officer. Their leader stated that attacks would continue until all WFP international staff left Ngozi. He also stated that his group intended to kill the WFP logistics officer that same evening. Later that day grenades exploded in the UNHCR parking lot damaging WFP, UNHCR and Belgian Red Cross vehicles. Four Sans Échec members forcibly entered the WFP residence, ransacked the contents and threw two grenades into the house. On 22 December United Nations and non-governmental organization staff were evacuated to Bujumbura.

Cambodia

48. A WFP monitor was directly threatened in July 1995 regarding his presence and activities in Kampong Thom. WFP was advised to limit operations in the province.

49. On 9 October 1995, west of Kompong Cham, a Cambodian Red Cross employee returning from a WFP field visit on a WFP motorcycle was accosted by armed thieves who shot and killed him.

50. On 26 March 1996, 28 members of a demining team from the Mines Advisory Group were abducted while clearing a road prior to reconstruction works with WFP food aid assistance. The abductors were reported as either Khmer Rouge soldiers or Khmer Rouge defectors. Twenty-six of the team were released the same day, but the team leader and his interpreter were kept as hostages. Their present situation is not known.

Central African Republic

51. Following the mutiny of elements of the military against the Government on 18 May 1996, incidents of looting and heavy fighting took place in Bangui. The house of one WFP staff member was looted and burned. The WFP office was also looted. WFP staff together with other international staff were evacuated. All local staff members were gathered in the UNDP compound with adequate security measures.

Liberia

52. Following the outbreak of violence in Liberia in early April 1996, all WFP international staff, with the exception of the country director and post captain, were evacuated. In mid-April WFP sent a rapid response team to assist

in the evacuation of international staff as well as other foreigners. Given the circumstances, a number of WFP national staff were evacuated as well. The WFP office in Monrovia was ransacked along with other missions and private homes.

Rwanda

53. On 31 August 1995, a WFP vehicle transporting the WFP finance officer was forced to stop by three armed men and robbed at gunpoint. An official WFP cheque in the amount of $200,000 for the Rwanda operation was taken, as were personal belongings. None of the staff members were injured and the stolen items were later recovered when the thieves had a car accident.

Somalia

54. On 17 September 1995, when the Somali faction leader General Aidid and 600 militiamen seized the south-western city of Baidoa, the WFP compound was looted, two guards were injured and the four international staff were taken to an unknown location. Later the same day a WFP national staff member was able to locate the international staff and convince the militia to transfer them to the same compound where another 16 international staff were held. As a result of United Nations negotiations the detainees were released after five days.

Sudan

55. A WFP aircraft was diverted by Sudanese rebels upon landing in Pariang on 8 June 1995. An international and a local staff member together with an FAO international staff member and two government officials were taken hostage to the town of Chukudam, controlled by the Sudanese People's Liberation Army. The detainees were released after 44 days of captivity.

56. On 16 September 1995, two WFP food aid monitors were caught in crossfire when the locality of Panthou was attacked. Contact was lost with them for two days before they were found in good condition.

57. Five WFP field monitor staff had to flee from Motot (Upper Nile) when it was attacked on 5 March 1996. They were picked up by a rescue aircraft eight hours later, suffering from heat exhaustion and dehydration.

58. On 15 March, the barge Doma, hired by WFP was forced to stop under gunfire on the southern bank of the Soba River by armed forces. The crew, consisting of 17 individuals, including a WFP international consultant and three WFP local staff, were removed and held in custody while the barge was looted and vandalized and the crew stripped of their personal belongings. They were released the same day.

Tajikistan

59. In May, local WFP staff who were distributing food in the Vaksh District in the Korgan-Tjube area of southern Tajikistan were threatened by groups of armed men. This type of incident has reportedly taken place on numerous occasions when local WFP staff have been distributing food.

Uganda

60. On 13 May, two local WFP field monitors and a driver travelling in a WFP vehicle were ambushed and robbed by six armed men near Ikafe. Reports regarding harassment of WFP truck drivers crossing the Uganda/Zaire border have been frequent during the last year.

Yemen

61. On 27 May, heavy shooting broke out within 100 metres of the combined UNDP/UNFPA/WFP offices in Sana'a. All staff were required to take cover in the basement while the government forces fought an armed group in a land dispute.

Zaire

62. WFP staff employed in Zaire are under continuous risk because of the prevailing security situation in the Goma area. On 3 June, violent combat was reported among Zairian military units. Twenty-six staff members were forced to spend the night in the WFP office.

63. A local WFP radio operator was present during the attack on the Agence France-Presse (AFP) office in Bunagana. The staff member played dead while 28 others were killed as they fled.

64. Finally, WFP staff are still increasingly exposed to life-threatening work environments in many countries.

ANNEX IV

List of United Nations programmes, funds, offices and missions, specialized agencies and related organizations that were requested to provide information for the present report

Economic Commission for Africa	ECA
Economic Commission for Latin America and the Caribbean	ECLAC
Economic and Social Commission for Asia and the Pacific	ESCAP
Economic and Social Commission for Western Asia	ESCWA
Food and Agriculture Organization of the United Nations	FAO
International Atomic Energy Agency	IAEA
International Civil Aviation Organization	ICAO
International Fund for Agricultural Development	IFAD
International Labour Organization	ILO
International Monetary Fund	IMF
International Maritime Organization	IMO
International Trade Centre	ITC
International Telecommunication Union	ITU
United Nations Conference on Trade and Development	UNCTAD
United Nations Disengagement Observer Force	UNDOF
United Nations Development Programme	UNDP
United Nations Educational, Scientific and Cultural Organization	UNESCO
United Nations Peacekeeping Force in Cyprus	UNFICYP
United Nations Population Fund	UNFPA
Office of the United Nations High Commissioner for Refugees	UNHCR
United Nations Children's Fund	UNICEF
United Nations Industrial Development Organization	UNIDO
United Nations Interim Force in Lebanon	UNIFIL

United Nations Office at Geneva	UNOG
United Nations Office at Nairobi	UNON
United Nations Office for Project Services	UNOPS
United Nations Office at Vienna	UNOV
United Nations Relief and Works Agency for Palestine Refugees in the Near East	UNRWA
United Nations Truce Supervision Organization	UNTSO
United Nations University	UNU
United Nations Volunteers	UNV
Universal Postal Union	UPU
World Food Programme	WFP
World Health Organization	WHO
World Intellectual Property Organization	WIPO
World Meteorological Organization	WMO
World Bank	